

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
FEBRUARY 4, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by Vice-President, Emil Cappetta, DDS.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Emil Cappetta, DDS; Elizabeth Clemente, DDS;
Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Steven Goldstein,
DDS; Roger Kriete, DMD; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Executive Director,
Jonathan Eisenmenger; Cecilia Moreira, Senior Management
Assistant

ABSENT: Shirley Birenz, RDH; Herbert Dolinsky, DDS; Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: January 21, 2015 - Approved as written.

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Padma Mukherjee - Application for a New Jersey dental license. Dr. Mukherjee took the WREB exam in 2008. The Board determined that Dr. Mukherjee must submit proof of a passing score for each individual section of the WREB. She only sent proof of a total score. Dr. Mukherjee also has the option of taking the ADEX exam (must include periodontics.)
2. Dr. Anupreet Singh - Inquiry whether he qualifies for New Jersey dental license. Dr. Singh passed the Florida board (NERB) exam in June 2010. The Board determined that this exam is a comparable exam to NERB. Dr. Singh will have to submit a completed application demonstrating that he meets all other requirements for licensure.
3. Dr. Rada Elkin - Application for a New Jersey dental license. Dr. Elkin passed the Southern Regional Exam (SRTA) in April 2010. The proof submitted only states a "pass" score. The Board determined that the actual scores for each section be obtained from SRTA or have SRTA certify that Dr. Elkin obtained at least a score of 75 in each category. Dr. Elkin also has the option of taking the ADEX exam with the periodontics section.

III. PROPOSED LEGISLATION:

1. A-4089 - Revises certain provisions of dental service corporation law.
The Board took no position on the legislation, and requested clarification from the sponsor(s) about the section concerning participating dentists being excluded because of “violations” (Page 2 - “whose participation violates one or more standards established in accordance with State or federal laws or regulations.” Page 3 - “provided, however, that any dentist who is suspended, debarred, or otherwise ineligible to participate in or provide services to persons covered by or receive payment from a governmental health care program, and any dentist whose participation would violate one or more standards established in accordance with State or federal laws or regulations need not be accepted as a participating dentist.”)

IV. New Jersey Dental Association - Notice of Petition for Rulemaking concerning the ownership and management of dental practices.

On February 3, 2015, the petitioner, Arthur Meisel, NJDA, submitted written notice that he is withdrawing the petition for rulemaking submitted September 26, 2013. In his letter, Mr. Meisel notes that representatives of the Association of Dental Support Organizations (ADSO) and the NJDA are in agreement that practices are to be owned and operated by dentists and that those dentists may choose to out source some or all of their administrative needs to one or more contractors. Because there is no dispute regarding the requirement that dentists must own their practices, the NJDA determined that rulemaking was not necessary at this time.

The Board accepted the withdrawal of the petition. However, the Board directed the ad hoc committee to complete its review of the issue(s) and to present a report to the full board at a future meeting.

V. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Dr. David L. Sykes - Taken as informational.
2. Dr. Henry J. Falk - Taken as informational.
3. Dr. Silvia S. Bilobron - Taken as informational.
4. Dr. Mark Khaimov - Taken as informational.

VI. REQUESTS FOLLOWING DISCIPLINARY ACTION:

1. Dr. Jack Gelb - The Board reviewed correspondence from Fred J. Gelb, Esq., counsel for Dr. Gelb, requesting modifications to the Board’s Consent Order filed on December 18, 2014. Dr. Gelb is requesting the Board consider lifting all or part of the nine month suspension and substitute a provision for a restricted or limited license with supervision.
The Board moved this matter to Executive Session for deliberation.

Upon return to Public Session, the Board determined not to make any changes to the filed Consent Order.

VII. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED:

1. Dr. Sam Oh - A Provisional Order of Discipline was filed on February 19, 2014, in connection with disciplinary action taken in the State of Washington based on a conviction.
Dr. Oh did not submit a response to the Provisional Order.
After discussing this matter the Board in a motion by Dr. Goldstein, seconded by Dr. E. Clemente, determined to finalize the Provisional Order. A Final Order will be entered to include a five year suspension, which suspension shall be stayed and served as a period of probation, and a reprimand.

VIII. ADMINISTRATIVE COMPLAINT AND ANSWER:

1. Dr. Patrick Bamgboye - The Board reviewed an Administrative Complaint filed on December 2, 2014 and Answer filed on January 22, 2015.
The Board in a motion by Dr. DeRobertis, seconded by Dr. Goldstein, deemed this a contested case and determined to transfer to the Office of Administrative Law for a hearing.

IX. ORDERS FILED WITH THE BOARD:

The Board took the following as informational:

1. Dr. Anup Muduli - Order Reinstating License with Restrictions filed on December 18, 2014.
2. Dr. Vincent A. LaBruna - Consent Order filed on December 18, 2014.
3. Dr. Lawrence Gardner - Order Removing Restrictions on License filed on December 18, 2014.
4. Dr. Jack Martin Gelb - Consent Order filed on December 18, 2014.
5. Dr. Anthony Luciano - Order of Summary Suspension filed on January 21, 2015.

X. OTHER MATTERS:

1. Inquiry from Sam Caruthers, MD concerning the placement of a nasal endotracheal tube (ETT) to secure the patient's airway by an MD anesthesiologist in a dental office.
Dr. Caruthers was present to address the Board concerning this inquiry.

Dr. Caruthers spoke about his holding an advanced life support certificate, and his understanding that two additional individuals must hold at least a current basic life support certificate.

The Board noted that N.J.A.C. 13:30-8.3(m) state a licensed MD, board certified anesthesiologist, is practicing under the requirements set by the Board of Medical Examiners.

The Board determined that the placement of a nasal ETT as discussed by Dr. Caruthers

is permissible.

XI. OTHER MATTERS:

1. Arthur Meisel, Esq., from the New Jersey Dental Association discussed a letter sent to the Board concerning a previous decision of the Board that registered dental assistants are not permitted to take 3D digital scans. The Board advised Mr. Meisel that this matter was referred to the Board's regulatory committee for review.

XII. APPEARANCES:

1. 11:00 A.M. - Dr. Robert Karasek - Application for reinstatement of license following Consent Order of Voluntary Surrender of Licensure filed on May 21, 2014.

Dr. Karasek appeared with counsel, Andrew Weber, Esq., along with Louis E. Baxter, Sr., MD, Executive Medical Director, Professional Assistance Program. Dr. Karasek requested the matter be heard in executive session.

The Board in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, moved this appearance to Executive Session.

Upon return to public session, the Board voted to reinstate Dr. Karasek's license with restrictions.

XIII. ADJOURNMENT: The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.